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Summary record of the 2284th meeting
Held at the Palais Wilson, Geneva, on Monday, 14 May 2018, at 3 p.m.

Chair: Ms. Winter

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties

Combined fifth and sixth periodic reports of Argentina (CRC/C/ARG/5-6; CRC/C/ARG/Q/5-6 and CRC/C/ARG/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Argentina took places at the Committee table.*

2. **Mr. Castelli** (Argentina) said that his Government was fully committed to providing children, who made up approximately one third of the total population, with comprehensive protection of their rights. To that end, it actively promoted a holistic and intersectoral approach across all levels of government. The engagement of the private sector and civil society organizations was crucial in complementing the State's efforts.

3. As in many other countries in the region, levels of poverty among children were higher than among the general population. In order to address that situation, the Government had strengthened the family allowance system and was moving towards establishing a minimum income for the most vulnerable households. It had, for example, made self-employed workers eligible for child, prenatal and educational benefits, thereby protecting an additional 300,000 children. In order to identify vulnerable persons not covered by the minimum income, a national survey of working-class districts had been conducted in 2016, focusing on young people eligible for but not receiving the universal child allowance. Thanks to such efforts and economic growth, the overall poverty rate had fallen by 3 percentage points.

4. A number of other public policy measures had been taken to address the multidimensional challenges faced by children living in situations of vulnerability. For example, in the area of health care, programmes had been introduced relating to adolescent health, indigenous health, and sexual health and responsible parenthood. In the field of justice, steps had been taken to tackle cybercrime, child pornography, trafficking in persons and institutional violence.

5. Intersectoral cooperation was central to developing and implementing effective public policies to improve coordinated action and the impact of the Government's holistic approach to children's rights. For example, the National Plan for the Prevention and Reduction of Unintended Pregnancy among Adolescents was being implemented jointly by the Ministries of Social Development, Education and Health in cooperation with bodies at the provincial and local levels. For its part, the Federal Council for Children, Adolescents and the Family promoted public policy exchange and development between national and provincial administrations.

6. Early childhood development was a priority for the Government. Measures introduced included the National Early Childhood Plan, which focused on the first 1,000 days of a child's life and placed special emphasis on nutrition, education, child-rearing and early stimulation. The Government aimed to extend universal basic education to children aged from 3 to 5 years by building new classrooms, providing equipment and ensuring continued teacher training. The gross school attendance rate of three-year olds had risen by 11 per cent between 2016 and 2017, while, in 2017, the attendance rate was 88 per cent and 97.4 per cent among 4- and 5-year olds respectively.

7. A number of measures had also been taken to address the specific problems faced by adolescents. Under a national plan to prevent, punish and eliminate violence against women launched in 2017, assistance was provided to girls aged 16 and 17, the age group most likely to experience gender-based violence. In order to prevent school dropout among adolescents, the Ministry of Education had implemented a programme for young people aged between 12 and 20 at risk of leaving school early. The programme placed young people at the centre of education policy, addressed issues affecting their schooling and promoted shared responsibility among relevant social actors. Steps had also been taken to strengthen the juvenile justice system to ensure that the rights of young people were properly respected in line with relevant international standards.

8. Convinced that social investment in children and adolescents was the most effective way to break the intergenerational cycle of poverty, the Government was firmly committed to continuing to build on the work carried out so far.

9. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that he wished to commend the State party on the significant progress made in a number of areas to enhance children's exercise of their rights. However, the Committee was concerned about the negative impact that any financial adjustments required by the agreement being negotiated between the State party and the International Monetary Fund (IMF) might have on future social programmes.

10. With respect to the interpretative declaration of the State party on article 24 (f) of the Convention regarding the concept of family planning, he asked whether the declaration had been rendered obsolete in all of the country's provinces and could therefore be withdrawn. Noting that the 2005 National Act on Comprehensive Protection of the Rights of Children and Adolescents had not yet been implemented in several provinces and that other provinces had not made the necessary legislative adjustments, he wished to know what steps the Government had taken or planned to take to address that situation and, more generally, what it was doing to tackle disparities among provinces in complying with child rights legislation.

11. The decentralized system of governance made it difficult for the State to provide a coordinated response through the various bodies that made up the comprehensive rights protection system. It would be interesting to know whether the Government had reviewed the situation and, if so, what action it planned to take. In that connection, he would welcome clarification of how the Federal Council for Children, Adolescents and the Family coordinated with bodies operating in sectors such as education, health care and employment, in particular in the development of social policies concerning children and adolescents.

12. He would like to know whether reports that the National Secretariat for Children, Young Persons and the Family had used less than half of its budget allocation in 2016 were accurate and, if so, why the budget not been used. Information would be welcome on the outcome of the assessment carried out of the National Action Plan 2012–2015 and on whether the corresponding 2016–2019 plan had clear goals and budget allocations and whether it would be subject to an interim review. He asked whether the Government had held consultations at the provincial level about the National Early Childhood Plan prior to its adoption in 2015 and, more generally, how national plans were developed and how the Government coordinated with provinces during their development. Information would be appreciated on the role played by civil society organizations in developing national plans and strategies and whether any body had yet been established to facilitate their participation in that regard.

13. Despite the progress made in data collection, gaps continued to exist in certain areas; for example, the most recent information on nutrition among children and adolescents dated from 2004 and no disaggregated data were available for indigenous children, particularly those in rural areas, or for children and adolescents with disabilities. He would therefore welcome information on measures taken to improve the situation.

14. Regarding corporate social responsibility, he wished to know whether there was any State obligation to ensure that companies respected the rights of children and adolescents, as many companies were reportedly unaware of the existence of protective standards within their fields. In that regard, he wished to know whether the Government had established agreements against child labour with all tobacco growers. He asked whether prior consultations with indigenous communities regarding, for example, mining projects were conducted in a culturally appropriate way and, in particular, whether indigenous children were included in the process.

15. Although the Civil Code set the marriageable age at 18, marriage continued to be allowed from the age of 16 with parental consent. He asked whether in practice such marriages occurred and whether the Government planned to amend the Code to remove any exceptions to the minimum age requirement of 18 years. What action was the Government taking to address and raise awareness of cohabiting unions between girls under 18 and men over 18?

16. Despite progress in legislation and policymaking, many children and adolescents still faced de facto discrimination, such as poor children and adolescents, migrants, particularly from Bolivia and Paraguay, indigenous children and adolescents, children and adolescents with disabilities and those in the lesbian, gay, bisexual, transgender and intersex community. What was the Government doing to raise awareness of such discrimination and combat it?

17. He wished to know whether the Government had established a body to facilitate the right of the child to be heard. Given the high rate of suicide among adolescents, particularly in centres of deprivation of liberty, it would be helpful to know whether the Government had studied cases of adolescent suicide and, if so, how it planned to address the issue.

18. **Mr. Pedernera Reyna** (Country Task Force) said that, although provision for an ombudsman's office for children had existed in law since 2005, that institution had yet to be established. He hoped the delegation could explain why its creation had been delayed for so long and what measures were being contemplated to expedite it. The eventual appointment of the ombudsman should be a transparent and inclusive process that also involved the wider community, and the institution should be financially and administratively independent, in line with international standards.

19. He commended the State for having established a national preventive mechanism, in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He wished to know if the mechanism was already operational and if its mandate also extended to places of detention of minors, particularly as the United Nations Children's Fund (UNICEF) had recently reported that 31 per cent of children in detention claimed to have suffered torture.

20. The Committee had received information from various sources detailing alarming episodes of police action against children including violent interventions in educational institutions, arbitrary detention, ill-treatment, threats, torture and even death. He would welcome information on a number of individual cases, including that of Luciano Arruga, who had been detained, tortured and disappeared, and be interested to hear an explanation of the reasons behind such violent behaviour and what steps were being contemplated to put a stop to it. The Committee was particularly concerned about the apparent impunity and lack of investigation. Was it true, as the Committee had heard, that the police applied a doctrine known as "*Chocobar*" whereby lethal violence was used as a first resort? It would be interesting to hear more details about any mechanisms in place to help victims, including access to reparation, and any plans to purge and reform the security forces.

21. He was pleased to note that some progress had been made, particularly in legislation, towards banning corporal punishment, but he remained concerned that the relevant provisions did not seem to be applied across the whole of national territory. He commended the Government for having signed a MERCOSUR agreement rejecting the existence of so-called parental alienation syndrome as a means of overriding the word of a child and wished to know what steps were being taken to ensure that the principles contained in the agreement were applied in courts throughout the country.

22. He welcomed measures being taken to combat human trafficking and sexual abuse, including the approval of Act No. 26842 of 2002, the creation of the Federal Council for Combating Trafficking in Persons and the introduction of amendments to the Criminal Code. However, the victims of such crimes remained extremely vulnerable, and he would like to know what further measures were being contemplated to protect them and ensure they could exercise their right to be heard by the courts without risk of revictimization. The Committee remained concerned about information it had received that indigenous people, including children, were being violently evicted from ancestral lands.

23. **Mr. Lumina** (Country Task Force) said that he was concerned about the allocation and use of resources, particularly in the light of recent spending cuts and the proposed IMF bailout programme. He hoped the delegation could provide information about how the austerity measures implemented by the Government since 2015 had affected children's rights. Had any official assessment of the impact of such measures been conducted and, on the basis thereof, had any action been taken to mitigate that impact?

24. He wished to know if any steps had been taken to ensure the sustainability of education, health-care and child welfare programmes, such as the National Early Childhood Plan and the universal child allowance, particularly given the country's high foreign debt and following the recent removal of export tariffs on a number of commodities, which had previously been used to fund the public coffers. Had the Government taken any specific steps to assess the possible impact of the proposed IMF bailout and to ensure that it did not result in reduced social spending on children?

25. The Committee would be interested to hear about actions being taken to ensure that budgetary allocations for children were not wasted on corrupt public procurement processes. It was a troubling fact that Argentine law did not seem to provide for corporate criminal liability for corruption, and he wished to know what was being done to prevent corrupt practices by corporate entities. Could the delegation explain what measures were being taken to address apparent disparities in the allocation of resources between different provinces?

26. **Ms. Sandberg** (Country Task Force) said that, despite the efforts made by the authorities, in some provinces up to 10 per cent of births were still unregistered. She wished to know what measures were being contemplated to resolve that problem, which particularly affected teenage mothers. She would welcome more information about any plans to implement a statelessness determination procedure, and she wished to know if the Government intended to incorporate the guarantees enshrined in the 1954 Convention relating to the Status of Stateless Persons into domestic legislation.

27. Although youth centres did provide spaces in which young people could express their views, the Committee was concerned that the young remained underrepresented in the country's mass media, and she hoped to hear about action being taken to improve that state of affairs. She would also be interested to hear the delegation's views on reports that adolescents were sometimes prevented by the police from participating in public demonstrations, particularly in Buenos Aires.

28. The delegation should indicate what was being done to ensure that children across the country, particularly indigenous and migrant children and those living in remote and rural areas, had access to appropriate information, especially via the Internet, while being protected from harmful content. She hoped to learn more about the current status of a proposed bill on audiovisual communication services and about the Advisory Council on Audiovisual Communication and Children. Was the Council currently functioning and would it be maintained under the new bill? Finally, she wished to know whether recent measures to present a more positive image of children and adolescents in the media had been evaluated and whether further action was contemplated to combat negative stereotypes in that regard.

The meeting was suspended at 3.55 p.m. and resumed at 4.25 p.m.

29. **Mr. Cohan** (Argentina) said that it was too early to provide detailed information about the impact of the proposed IMF bailout as negotiations were still at a preliminary stage. It was not, however, expected to lead to an interruption in the policy of gradual fiscal consolidation, which the country had been pursuing since 2015. In that year, the incoming Government had inherited a primary deficit that had amounted to 5 per cent of gross domestic product (GDP). Thanks to considerable efforts, that figure had been reduced and was expected to stand at between 2 and 3 per cent of GDP by the end of 2018.

30. The Government's austerity measures had had no impact on social expenditure, which had actually increased during the period 2015–2018. In particular, expenditure on the social welfare of children had remained practically unchanged at 2.6 per cent of GDP since 2014. The sustainability of social programmes depended upon the sustainability of the country's public debt, which was expected to stabilize at between 35 and 40 per cent of GDP by 2020 and was not currently a source of concern.

31. Poverty had fallen by nearly 5 percentage points since the beginning of 2016. Since poverty indicators for the previous decade were unreliable, it was difficult to determine long-term trends but the most reliable estimates suggested that poverty was currently at its

lowest level since 2003. Argentina had enjoyed seven successive quarters of economic growth and, despite the foreign exchange crisis, that trend was expected to continue.

32. **Mr. Ibarzabal** (Argentina) said that the coverage of the universal child allowance had been extended over recent years, from 3,720,723 children in 2015 to 3,966,961 by the end of 2017. In January 2016, the authorities had identified 1.5 million children who were not included in the database of the National Social Security Administration and had no access to social security. Around 950,000 of them had now been duly registered, of whom around 18 per cent were receiving the universal child allowance. Eighty-four per cent of recipients of the allowance were from the two quintiles of the population with the lowest income levels, and 12.5 per cent of recipient households had managed to emerge from poverty in 2015. Although the allowance did not eliminate poverty per se, it was having a significant impact in other areas such as, for example, school enrolment rates.

33. More generally, the Government had taken a number of steps to ensure that more children and adolescents were covered by the social security umbrella: the system had been expanded to incorporate the children of taxpayers under the simplified tax regime and of temporary workers, the income ceiling for eligibility for family allowances had been raised and, as of March 2016, the family allowance and the universal child allowance were subject to an automatic twice-yearly rate adjustment. As of December 2017, the rate adjustments had been increased to four times a year.

34. **Mr. Castelli** (Argentina) said that Argentina was a federal State in which, since the 1990s, public policies in fields such as education, health care and social development had been decentralized and were, at least in theory, budgeted and administered autonomously at the provincial level. In practice, however, central Government complemented and funded a large proportion of social initiatives, to different degrees in different provinces. Activities in that regard were coordinated nationally by the National Council for the Coordination of Social Policies.

35. However, public policies developed at the national level, promoted by central Government and funded with national resources — such as the recent National Plan for the Prevention and Reduction of Unintended Pregnancy among Adolescents — were not adopted automatically. They also required the support of the provinces in order to become operational. If national public policies were not taken up and adopted by the provinces it was difficult to maintain continuity across changes of government, both at national and provincial level. That was a great challenge, not just in Argentina but across South America.

36. One such public policy was the National Early Childhood Plan, in the context of which agreements had been concluded with more than 1,600 public and private organizations to support vulnerable children up to the age of 4. In addition, proposals had been presented for the creation of new early childhood facilities or the improvement of existing ones.

37. **Mr. Candiano** (Argentina) said that 20 of the 24 federal entities in Argentina had their own laws on the protection of children's rights. Two provinces had endorsed the National Act on Comprehensive Protection of the Rights of Children and Adolescents, and a further two, Formosa and San Luis, had no specific laws of their own but had endorsed the Convention on the Rights of the Child.

38. The National Plan of Action for 2008–2015 had been evaluated and all unmet goals had been carried over to the current plan, adopted by the Federal Council for Children, Adolescents and the Family in November 2017 following a consultation process in which adolescents from every province had participated. Evaluation and follow-up of the action plan was carried out by the National Secretariat for Children, Young Persons and the Family with assistance from the National Council for the Coordination of Social Policies. The National Council had a sophisticated integrated information system and other tools that allowed it to collect and analyse data. All national social programmes were required to report on their progress to the National Council. The Human Development Office, meanwhile, had a more general coordinating role.

39. It was true that there were significant discrepancies between provinces in their implementation of policies on the protection of children's rights. The federal Government

was making a special effort to help the provinces where implementation was weakest, by providing them with additional tools and procedures. Training was key in that respect, and it was being provided with the help of, among others, civil society organizations, UNICEF and the United Nations Population Fund (UNFPA). The empowerment of the provinces was perhaps best illustrated by the fact that child protection measures were increasingly being taken by provincial administrative bodies rather than the judiciary, with about 2 out of 3 such measures being taken by the provinces in 2015 and 9 out of 10 in 2017.

40. **Mr. Lumina** said that he could not reconcile the delegation's assurances that austerity measures were having no impact on the allocation of resources to the realization of children's rights with the information he had on cuts in government spending. The November 2016 fiscal agreement between provinces and central government entailed significant cuts to social security, targeting pensions and social welfare payments among other things; the cost to the City of Buenos Aires alone would amount to cuts of about US$ 3.4 billion. Moreover, further cuts to government spending on social security had been announced in December 2016. He also found it hard to reconcile the optimistic economic picture presented by the delegation, of reductions in the budget deficit and government borrowing, with the appraisal of IMF in its December 2017 report, issued after a meeting with the Government of Argentina. He would welcome any clarification the delegation could provide on those points.

41. **Mr. Cardona Llorens** asked if the various provincial laws on the protection of children's rights were all in line with national legislation and the Convention. Had he understood correctly that there was no specific law on that subject in place in two provinces?

42. **Mr. Castelli** (Argentina) said that his Government was indeed optimistic about the country's economic outlook. Its main task was to reduce the huge fiscal deficit it had inherited when it came to power. It was trying to do so gradually and in such a way as to spare the most vulnerable, for example by setting federal rates for certain public services. Its reform of the pension system was spread over a period of time and designed to avoid any loss of purchasing power for pensioners, whose pensions were inflation-linked. The Government ultimately intended to take advantage of steady economic growth to balance the budget by 2020 and keep government borrowing below a ceiling of 40 per cent of GDP.

43. **Mr. Cohan** (Argentina) said that there had been no cuts to social security benefits, thanks to the new indexation formula introduced by the Government. In fact, the social security reform had safeguarded benefits while avoiding what could have amounted to a 10 per cent increase in social security expenditure. Indeed, some benefits, such as payments under the historical reparation programme implemented in 2016, had been increased. Between 2015 and 2017, social expenditure had increased by one percentage point of GDP despite a cut of almost 5 per cent in total government spending.

44. With regard to the IMF report mentioned by Mr. Lumina, he said that in order to cut the budget deficit, the Government was continuing to borrow: the national debt was expected to have stabilized by 2020 once the budget had been balanced. He disagreed with the IMF view that Argentina was heading for a default as interest payments rose. With debt at a stable level, interest payments would remain stable too.

45. **Mr. Castelli** (Argentina) said that the laws of the provinces were under review, and that while they differed in the letter they were the same in spirit. The problem of discrepancies between them and differences in their interpretation was being addressed by means of shared protocols and improved training for judicial officers. The two provinces that had endorsed the Convention but had no specific laws of their own on children's rights were represented on the Federal Council for Children, Adolescents and the Family and, as such, had signed up to a number of agreements concerning children's rights, including proposals on the juvenile criminal justice system and support for children with no parental care.

46. **Ms. Dobniewsky** (Argentina) said that there had been delays in setting up the office of the children's ombudsman, but significant progress had been made. A large number of civil society organizations had been actively involved in the public consultations on establishing the office and numerous applications for the position had already been received. A bicameral congressional committee had been established and allocated a budget to

finalize the process; deputies had already been appointed to sit on the committee, and the appointment of senators was pending.

47. With regard to police violence, she acknowledged that institutional violence did exist in Argentina. A number of bodies had been set up to investigate and prevent such violence, and to hold law enforcement agencies that engaged in it to account. A national directorate had also been set up to investigate institutional violence, and any criminal behaviour uncovered would be prosecuted. The national mechanism for the prevention of torture had been operative since 2017, and five local preventive mechanisms had been set up. Those local mechanisms had intervened in places where children were deprived of their liberty; one result of their intervention had been the provision of training courses for guards. In addition, the Ministry of Security, in conjunction with the National Directorate on Policies to Combat Institutional Violence of the Ministry of Justice and Human Rights, had established a special unit in 2016 to study the causes of institutional violence, reduce the arbitrary use of force and follow up on complaints about such matters as detainees' lack of access to justice or medical treatment. Thanks to the preventive mechanisms, surveys had been conducted at the provincial level to determine where responsibility lay for inspecting conditions in detention centres; the bodies identified included ombudsman's offices, the prison inspectorate and the Commission for Historical Memory. Video surveillance cameras had been installed in places of detention to monitor detention conditions.

48. Referring to some specific cases raised by Committee members, she said that the police officer involved in the case of Jonathan "Kiki" Lezcano and Ezequiel Blanco had been acquitted on the grounds of self-defence after all possible appeals had been exhausted, but had nevertheless been dismissed from the force following an administrative investigation. The hearing in the case of the officer accused of torturing and robbing Ezequiel Villanueva Moya and Iván Navarro was under way even as she spoke. The police officer Diego Torales had been sentenced to 10 years' imprisonment for torturing 16-year-old Luciano Arruga. She would like to assure the Committee members that the eradication of institutional violence was a government priority.

49. **Ms. Fariña** (Argentina) said that a follow-up to a 2004 survey of child nutrition was due to be completed before the end of the year. The survey would give nutritionists a clearer picture of Argentine children's dietary habits. Blood tests would also be conducted to detect anaemia and determine the levels of folic acid in the blood of women of childbearing age.

50. While comprehensive data on child nutrition were not available, some 3 million children had come into contact with the health authorities in 2017 in the context of cash transfer programmes. Of those, about 10 per cent of children under the age of 5 years were either stunted or suffering from malnutrition. Most worryingly, some 29 per cent of children between the ages of 2 and 5 years, and 37 per cent of those between the ages of 6 and 19 years, were overweight or obese. The President of the Republic had made tackling obesity a government priority, and the health and education ministries were drawing up clear policies to address the problem.

51. With regard to indigenous children, a recent survey of 6,000 indigenous children under the age of 6 years had provided figures that presented a varied picture: 0.2 per cent were affected by emaciation; 0.05 to 0.8 per cent by stunting; and 0.3 to 4.8 per cent by obesity.

52. As for children with disabilities, the most recent national household survey showed that approximately 20 per cent of the households surveyed had someone with a disability; and about 30 per cent of those persons were children.

53. **Ms. Quinteros** (Argentina), responding to questions on birth registration, especially among indigenous children, said that every effort was being made to ensure that mobile registration units were available and deployed. Where no civil registry officials were available, other public sector employees were tasked with the job of drawing up birth certificates. The mobile units targeted the areas where the most vulnerable children were to be found, and their visit was publicized in advance.

54. On the question of statelessness, she said that it was a violation of the basic human right to a nationality, as recognized in many international instruments, including the American Convention on Human Rights. Argentina, as one of the signatories of the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, was committed to preventing anyone from finding themselves stateless. A bill on the subject had been drafted with the help of the Office of the United Nations High Commissioner for Refugees and was now before Congress.

55. **Mr. Foradori** (Argentina) said that various ministries had separate registers of human trafficking victims. An executive committee had been established, which comprised representatives from the government, civil society organizations and the national legislature, to coordinate the initiatives of the ministries in the area of human trafficking at the national level. The provincial authorities retained responsibility for registering victims of trafficking. The National Secretariat for Children, Young Persons and the Family ran a centre that registered victims with children under 4 years of age and provided a range of health services.

56. **Ms. Sandberg** said that she wished to know what measures were in place to prevent unnecessary gender assignment surgery or other medical treatments for children with intersex traits before they were able to make their own decisions.

57. She wondered whether the State party had evaluated the outcome of its measures and programmes to strengthen the family unit and to establish family bonds and parental responsibility from an early stage. It would also be helpful to know how the Government planned to further strengthen those measures to enable families to take proper care of their children, given that violence, abuse and neglect were main reasons for removing children from their families. She wished to hear about the system for taking children into alternative care, including mechanisms to ensure that it did not happen unnecessarily, with particular mention of the decision-making body concerned, the procedural safeguards and legal requirements in place, and how the child's best interests were assessed. Noting that a high proportion of children in alternative care were placed in institutions, she wished to know how the State party guaranteed that institutionalization was used as a last resort. Furthermore, she wondered what measures the Government was planning to take to increase the number of foster families and develop their caring abilities with a view to, among other things, expediting the lengthy process of removing children from institutions and preventing institutionalization in the first place. She would appreciate the delegation's comments on the apparent substandard quality of care for children in institutions, which might be due to a lack of central guidelines and insufficient resources, together with an explanation of the system for monitoring the quality of care and for reporting children's rights violations. In the light of reports of ill-treatment in centres for children with behavioural or social difficulties, she wished to know what the State party was doing to prevent such incidents and to address them once they had taken place. According to her information, a law that had been introduced to help young adults leaving care to live independently was not applied in all provinces. What plans, if any, did the State party have to remedy that situation?

58. She wondered why the State party did not consider the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption to offer protection from trafficking and sale of children in intercountry adoption, and what additional steps the State party needed to take to be able to lift its reservation to article 21 (b), (c), (d) and (e) of the Convention.

59. It would be helpful to have data on the children of imprisoned parents. She asked whether the Government intended to introduce policies to support such children, by enabling them to visit their parents in prison, for example. Did the courts take the best interests of the children into account when sentencing parents?

60. She would appreciate further information on the State party's follow-up to the Committee's recommendations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In particular, she wished to know whether arms training for children in military schools had been prohibited, whether peace education had been introduced in all schools and whether the recruitment of

children in hostilities by armed groups had been criminalized. The delegation might wish to comment on efforts made to establish extraterritorial jurisdiction over the enlistment of children in hostilities and the measures taken to identify, assess the situation of and provide assistance to children used in hostilities abroad, including translation services for interacting with doctors and social workers. Was the sale of arms to countries where children might be used in hostilities specifically prohibited by law?

61. **Mr. Cardona Llorens** said that there was insufficient disaggregated data on children with disabilities. He wished to know whether the State party was aware of the data-collection system designed by UNICEF and the Washington Group on Disability Statistics and whether the Government intended to use it. Many provinces lacked legal provisions on the inclusion of children with disabilities and no law was in place at the national level. He wondered whether progress was being made in introducing laws in that connection in all the country's provinces. Regional disparities in terms of access to health care for children with disabilities were also cause for concern. It would be helpful to know what measures the State party had taken to improve programmes such as early disease detection, which were hindered by the scarcity of data. He wished to know what action the Government was taking to improve inclusive education given that, according to official government data from 2015, a quarter of children with disabilities between 5 and 17 years of age did not attend school. The Government had focused heavily on inclusive education. It would be interesting to hear whether separate special education schools still existed and, if so, who decided whether individual children should attend them. Children with disabilities were often marginalized in schools with scant resources. He wished to know what the Government was doing to address that problem and to reduce the significant disparity between the provinces in terms of education resources. He had found no documented information to back up claims that non-contributory pension entitlements for children with disabilities had been reinstated. He would appreciate an explanation in that regard, especially since the allocation for non-contributory pensions had significantly decreased in the 2018 budget. According to the Civil Code, children were able to make decisions regarding their health from the age of 16; however, no mention was made of the cases of children with intellectual disabilities. He asked whether only parents could authorize the sterilization of a girl with intellectual disabilities, or whether reasonable steps were taken to inform the girl concerned and allow her to decide.

62. He wished to know what steps had been taken to create a national commission that would systematically gather data on breastfeeding practices; how the State party oversaw the application of the International Code of Marketing of Breast-milk Substitutes; and whether the Government promoted baby-friendly hospitals and encouraged the inclusion of breastfeeding in nursery training. He wondered whether there was a specific body that provided comprehensive support for children and adolescents who consumed psychoactive substances and, if so, what human and budgetary resources it had been allocated and how access was guaranteed to children and adolescents living in poverty. It would be useful to hear what measures were in place to prevent the stigmatization of children and adolescents who consumed drugs, particularly in the media. Information on the measures adopted to improve access to AIDS treatment would also be helpful.

63. The majority of infants under the age of 4 had no access to nursery schools, with significant disparities between the provinces. He wished to know what measures had been taken to improve the situation, especially in the wake of a study conducted by UNICEF that had found many nurseries to be of poor quality. He would also like to hear what measures the Government had taken in the light of its national learning evaluation, which had revealed that a significant percentage of pupils scored below average in core subjects. He invited the delegation to comment on data showing that 500,000 adolescents between the ages of 12 and 17 did not attend school and that only 45 per cent of the population completed secondary education.

64. **Mr. Pedernera Reyna** said that he wished to know what the arguments were for systematically denying legal abortions to girls who had been raped and why the justice system and the public prosecutor had taken no action in a number of rape cases.

65. There had been an increase in the use of medicines to treat behavioural issues among children and adolescents, especially for attention deficit disorder. It would be interesting to

know how the rights of the child were incorporated into mental health policy, and what measures the Government had adopted to advance in its obligation to gradually substitute special psychiatric hospitals with community-oriented institutions for children and adolescents. In the light of the country's current economic situation, it would be useful to hear what measures the State party would take to mitigate the impact of high inflation on food prices in particular.

66. Act No. 25871 on migration had been effective in safeguarding children's rights. However, a decree passed in 2017 amending the Act appeared to associate migrants with criminal activity and opened the possibility of institutionalizing children in deportation cases. He wished to know whether the State party had information on measures that had been taken under the new decree and whether the original provisions of the Act could be retained.

67. It would be helpful to have data on the number of children incarcerated with their mothers or fathers in prison and to know what steps the State party was taking to enable detained mothers to have permanent contact with the community and their families. He asked how the State party addressed the problem of providing documentation for babies born to mothers in prison, and what policies were being developed to encourage children of detained parents to remain in school.

68. It would be useful to know how many children lived on the streets, whether they were monitored, and what policies had been developed to care for them. In the light of the country's current economic situation, he wondered whether the Government had forecast the impact of cuts on low-income families. Commending the fact that the "Línea 102" helpline for children had been made available in 16 provinces, he said that it would be interesting to hear when the line would be made universally available and whether it would have a standardized procedure and be open 24 hours a day.

69. Argentina had no juvenile criminal law and the juvenile justice system had fewer safeguards than the adult system. Juveniles who had not committed offences continued to be detained, supposedly for their protection, and petty offences were met with a harsh response from the authorities. The proposed draft legislation on juvenile justice would therefore be welcome, provided that it met the standards of the Convention. He wished to know what stage the legislation was currently at; what the main areas covered were; whether it would establish new offences; and whether the age of criminal responsibility would be lowered. Would it comply with international standards in relation to the use of non-custodial sentences? He wondered why the justice system used imprisonment as a first response. It would be interesting to hear whether the conditions of detention of children and adolescents were subject to independent monitoring, what penalties officials accused of torture and ill-treatment faced, and how many cases of ill-treatment had been reported. Information would also be welcome on programmes to allow children and adolescents in detention access to education and recreational activities, how many children had such access and what non-custodial penalties existed. He wished to know whether judges monitored the enforcement of penalties and, if not, who did. He asked whether the deaths and suicides reported in several prisons around the country had been investigated and what policies were in place to prevent future occurrences.

70. He wished to know whether the Government would consider introducing specific provisions prohibiting and penalizing the sale of children in the civil, commercial and criminal codes. He would be grateful for additional information on the amendment to article 128 of the Criminal Code on child pornography. It would be helpful to have information on the procedures for identifying and caring for particularly vulnerable child victims of trafficking; on the national programme to rescue and support trafficking victims; on the establishment of shelters for victims; and on the investigations conducted in response to reports of trafficking and the trial and sentencing of perpetrators. Lastly, how did the State party promote international cooperation in terms of the sharing of information and harmonization of legal procedures in relation to human trafficking?

71. **Mr. Lumina** said that the fragmented health-care system and the lack of national standards had resulted in major differences in terms of clinical practices, resource allocation, quality and accessibility concerning health care across the provinces. He wished to know

what measures the Government had in place or planned to adopt to address that disparity. Furthermore, given that health expenditure had decreased by 40 per cent since 2011, he wondered how the Government ensured that children's access to quality health care was not affected.

72. He would appreciate information on efforts to address the well-documented adverse impact of agrochemicals on the health of children living in the vicinity of soya plantations. It would also be helpful to know what measures the Government was taking to address the issue of differing regulations on the use of agrochemicals between the provinces, which meant that rules were often disregarded.

73. With regard to asylum-seeking children, he wondered when the review of the Refugee Recognition and Protection Act (No. 26165) would be completed and when the revised regulation would enter into force. He asked whether the Government had reviewed the protocol on protection for unaccompanied child asylum seekers and, if so, what the outcome had been and how it would be followed up.

74. He wished to know what social programmes, if any, had been put in place to eradicate child labour, how effective such programmes were, and whether any of them specifically targeted children who begged on the street and guarded parked vehicles. He asked what the impact of the universal child allowance programme on reducing child labour had been. How many children had been removed from child labour and what support services had been provided to them?

The meeting rose at 6 p.m.